

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

otherwise expressly and conspicuously provided in the proxy.

**3. Revocation.** A proxy is revocable at the pleasure of the person executing it. A proxy may be revoked, without limitation, by an instrument that in terms revokes the proxy or by a subsequent duly executed proxy. The authority of a proxy holder is not revoked by death or supervening incapacity of the member executing the proxy unless, before the authority is exercised, written notice of death or incapacity is filed with the corporate officer responsible for maintaining the list of members. The presence at a members' meeting of the member appointing a proxy does not of itself revoke the proxy. A member may revoke an appointment of a proxy by giving notice to the corporate officer responsible for maintaining a list of members or by giving notice in open meeting of the members.

See title page for effective date.

**CHAPTER 8**

**S.P. 68 - L.D. 207**

**An Act to Change How the Mileage Allowance is Determined for Sheriffs and Deputies**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** **30-A MRSA §421, 3rd ¶,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

In addition to the fees charged for service, travel shall may be charged for each mile actually traveled at the same rate at which state county government employees are reimbursed within that county, except that all travel initiated on behalf of a state government agency must be reimbursed under Title 5, section 8.

See title page for effective date.

**CHAPTER 9**

**H.P. 187 - L.D. 240**

**An Act to Terminate Spousal Support upon the Death of the Payee**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** **19 MRSA §721, sub-§8** is enacted to read:

**8. Cessation upon death of payee.** Unless otherwise stated in the court order awarding alimony, the obligation to make any payment pursuant to this section ceases upon the death of the payee with respect to any payment not yet due and owing as of the date of the payee's death. This subsection is repealed October 1, 1997.

**Sec. 2.** **19-A MRSA §951, sub-§7** is enacted to read:

**7. Cessation upon death of payee.** Unless otherwise stated in the court order awarding spousal support, the obligation to make any payment pursuant to this section ceases upon the death of the payee with respect to any payment not yet due and owing as of the date of the payee's death.

**Sec. 3. Effective date.** That section of this Act that enacts Maine Revised Statutes, Title 19-A, section 951, subsection 7 takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

**CHAPTER 10**

**S.P. 163 - L.D. 492**

**An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** **4 MRSA §157, sub-§1, ¶A,** as amended by PL 1995, c. 665, Pt. X, §1 and affected by §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court 27 judges. At least one judge must be appointed from each district who is a resident of ~~the district~~ a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of

the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

See title page for effective date.

## CHAPTER 11

S.P. 204 - L.D. 663

### An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §17-B** is enacted to read:

#### **§17-B. Funds from the Federal Government and private sources**

The State Court Administrator may accept, use, expend and dispose of, on behalf of the State, funds, equipment, supplies, materials and property from any agency of the United States or from any private foundation or other private source.

See title page for effective date.

## CHAPTER 12

H.P. 565 - L.D. 756

### An Act to Continue the Participating Local District Consolidated Plan Advisory Committee

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** provisions establishing the Participating Local District Advisory Committee were inadvertently allowed to lapse in 1996; and

**Whereas,** the advisory committee is essential to the operation of the consolidated plan for participating local districts, because its members, who represent participating local district employers and employees, are instrumental in the design and oversight of the consolidated plan; and

**Whereas,** 224 participating local districts are now in the consolidated plan; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §18802-A** is enacted to read:

#### **§18802-A. Participating Local District Advisory Committee**

**1. Composition; appointment.** The Participating Local District Advisory Committee, referred to in this chapter as the "advisory committee," is composed of the following 12 members:

**A.** Five voting members who are members of labor organizations that represent participating local district employees, appointed by the Governor after being nominated by their respective labor organizations as follows:

(1) One member nominated by the Maine Education Association;

(2) One member nominated by the American Federation of State, County and Municipal Employees;

(3) One member nominated by the Service Employees International Union;

(4) One member nominated by the International Association of Fire Fighters; and

(5) One member nominated by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America;

**B.** Five voting members who represent participating local districts appointed by the Governor after being nominated as follows:

(1) Three members nominated by the Maine Municipal Association; and

(2) Two members nominated by the Maine School Management Association;

**C.** One nonvoting member appointed by the Governor; and

**D.** The executive director or the executive director's designee, to serve as an ex officio nonvoting member.

**2. Compensation of members.** The members of the advisory committee are not entitled to receive compensation for their participation in the advisory committee's activities.